

**CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES**

December 16, 2015

1. CALL TO ORDER

Chair Batjer called the meeting to order at approximately 10:00 a.m., 400 R Street, First Floor Hearing Room, California Victim Compensation and Government Claims Board, Sacramento, California.

ROLL CALL:

Commissioners Present:

Secretary Marybel Batjer, Chair
Steven Winkel, Vice Chair
James Barthman
Elley Klausbruckner
Erick Mikiten
Kent Sasaki
Rajesh Patel
Cheryl Roberts
Pedro Santillan

Commissioners Absent:

Larry Booth
D. Malcolm Carson

Commissioner Santillan led the Commission in the Pledge of Allegiance.

2. ADOPTING STATE AGENCY RULEMAKING

a) California State Lands Commission (SLC 01/15) Proposed adoption of amendments to the California Building Code, Chapter 31F, Marine Oil Terminals for incorporation into the 2016 California Building Code (California Code of Regulations, Title 24, Part 2). The California State Lands Commission is requesting the Building Standard Commission's approval of the rulemaking process they administered meets the intent of the administrative procedures act and is ready for publication in Title 24.

The representatives for California State Lands Commission are Avinash Nafday, Lead Engineer, Marine Facilities Division, and Kendra Oliver, Senior Engineer, Petroleum Structures. Mr. Nafday presented the third revision of the Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) qualified as Chapter 31F of the California Building Code which are intended for publication in the 2016 Building Code. He stated this revision represents modification of MOTEMS based on input from the community, engineering firms, and State Lands' experience. The Office of the State Fire Marshal has reviewed and approved the proposed amendments to Chapter 31F. The text was approved by the commissioners of the State Lands Commission on 10/16/15.

Questions or Comments from the Commissioners:

Commissioner Klausbruckner disclosed she had a conversation with staff, but it was not related to

anything specific to this issue other than editorial. She stated she has some general comments, but they will be discussed later.

Vice Chair Winkel asked a question on the wording of 3.5, 3103F.4.2.3, probabilistic analysis, whether "conducted by a qualified registered civil engineer" should be "conducted by a structural engineer." He wondered whether civil engineers are qualified at that level to do that analysis.

Mr. Nafday stated there is no requirement in this particular code for having a registered structural engineer, and to date their experience has shown they've gotten good product out of the companies who are working on addressing those issues.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider California State Lands Commission's request for approval of their rulemaking proceedings. Commissioner Roberts made a motion to approve, and it was seconded by Vice Chair Winkel. **The vote was unanimous to accept the motion.**

3. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

a) Office of Statewide Health Planning and Development (OSHPD 01/15) Proposed adoption of amendments to the California Administrative Code for incorporation into the 2016 California Administrative Code (California Code of Regulations, Title 24, Part 1). Office of Statewide Health Planning and Development is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for OSHPD are Glenn Gall, Regional Supervisor, Building Standards Unit, and Mohammad Karim. Gall stated the changes are fairly innocuous modifications to their administrative standards, specifically the formal and informal appeals process to the hospital building safety board, amendments to their language regarding their fees and terms relating to the transition to International Building Code and amended construction documents are now under the base model code.

Questions or Comments from the Commissioners:

Commissioner Klausbruckner asked why there was a change on the suspension section, Section 7-214, from "one month to a maximum of 18 months" to "one month to a maximum of six months."

Mr. Gall stated the focus was really on the suspension of an IOR certification in that there was no formal way to suspend their certification for any period of time. This change gives them adequate time to respond to the issues and make their case.

Questions or Comments from the Public:

Cheri Hummel, Vice President, Emergency Management and Facilities, California Hospital Association (CHA), representing over 400 hospitals and health systems. She stated CHA is in support of the proposed changes, including the emergency building standards.

Gale Bate, owner/operator Code Resource, a code consulting firm, requested he speak at the end of all presentations.

MOTION: Secretary Batjer entertained a motion to consider Office of Statewide Health Planning and Development's request for adoption of their proposed regulation for Part 1, 2016 California Administrative Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

b) Office of Statewide Health Planning and Development (OSHPD 02/15) Proposed adoption of the 2015 edition of the International Building Code with amendments for incorporation into the 2016 California Building Code (California Code of Regulations, Title 24, Part 2). Office of Statewide Health Planning and Development is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for OSHPD are Glenn Gall, Regional Supervisor, Building Standards Unit, and Mohammad Karim. Mr. Gall discussed the nonstructural proposal for triennial adoption of Part 2, Title 24, California Building Code. He stated OSHPD had previously adopted an amendment that completely exempted them from any energy standards. After review of that amendment, it was discovered that OSHPD does not have the authority to do that, and it was made clear to the Energy Commission that the Commission still has that authority.

Mr. Gall stated that they are assuming a number of buildings that previously were not under their jurisdiction which were exempt from energy standards, so the code needs to be changed to include buildings in their inventory.

Mr. Gall stated the cleanup in Chapter 12, finish materials, refers to licensed health care facilities and finish requirements. He stated Chapter 1224, OSHPD 1, has quite a bit of change in this section, including restructuring and adding a common requirements chapter for all facility types. Chapters 1224 through 1227 are being moved to General Construction within the beginning of Chapter 12 and doing point of references. He stated there has been incorporation of national standards language into their code amendments. Back in 2007, there was a loose transition of the code to align with the national standards. They examined Title 22 to ensure OSHPD standards were in sync with operational and licensing standards and found there were issues, so that has been rectified.

Mr. Gall continued that they have introduced some new service requirements, including hyperbaric facilities, and have included the provision of the architectural requirements into the code. He stated the outdated outpatient clinic standards have been updated. Architectural requirements for dental care services have been added to the code for clarity.

Questions or Comments from the Commissioners:

Vice Chair Winkel asked whether the definitions in terminology on page 4 were adopted from national standards. He focused his question on the term "accessible" which was changed from "convenient to" and whether the term would be problematic for designers.

Mr. Gall confirmed the terms were adopted from national standards. He stated there was a lot of effort put forth in selecting the language.

Secretary Batjer suggested using the term "available" instead of "accessible."

Commissioner Sasaki commended OSHPD for their efforts in cleaning up their code section so it is consistent with national standards, licensing regulation code, and the fast-changing world of health care facilities.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider Office of Statewide Health Planning and Development's request for adoption of their proposed regulation for Part 2, 2016 California Building Code. Vice Chair Winkel made a motion to approve, and it was seconded by Commissioner Santillan. **The vote was unanimous to accept the motion.**

c) Office of Statewide Health Planning and Development (OSHPD 04/15) Proposed adoption of amendments to the California Administrative Code for incorporation into the 2016 California Administrative Code (California Code of Regulations, Title 24, Part 1); and proposed adoption of the 2015 edition of the International Building Code with amendments for incorporation into the 2016 California Building Code (California Code of Regulations, Title 24, Part 2-Structural). Office of Statewide Health Planning and Development is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for OSHPD are Glenn Gall, Regional Supervisor, Building Standards Unit, and Karim Mohammad, who handles the structural provisions and proposals. Dr. Mohammad stated there are large changes in the Administrative Code and Building Code. In the Administrative Code, they are introducing a new structural performance category called 4-D. The intent is to make seismic retrofit more cost effective for hospitals and to ensure hospitals are available in rural and underserved areas. In the Building Code, they are aligning with the International Building Code 2015. The proposal has been vetted through the Hospital Building Safety Board.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider Office of Statewide Health Planning and Development's request for adoption of their proposed regulation for Part 1, 2016 California Administrative Code and Part 2, 2016 Building Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Patel. **The vote was unanimous to accept the motion.**

4. DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY

a) Division of the State Architect – Structural Safety (DSA-SS 01/15) Proposed adoption of amendments to the California Administrative Code for incorporation into the 2016 California Administrative Code (California Code of Regulations, Title 24, Part 1). The Division of State Architect - Structural Safety is requesting Building Standards Commission approve the proposed

regulation for publication into Title 24.

The representatives for DSA are Jim Hackett, Principal Structural Engineer, Codes and Standards Unit; Ron LaPlante, Supervising Structural Engineer; and James Gibbons, Construction Supervisor. Mr. Hackett stated DSA is proposing to amend Part 1 of the California Administrative Code to provide clarity of the administrative provisions of the Education Code to promote safety and protection of the structures for California's public schools, community colleges, and state-owned and state-leased essential services facilities and buildings. They have had task force meetings that were specific to material testing and inspection improvements as well as public meetings. He stated the primary changes include an increase in their project filing fee in accordance with the maximum allowed under the Education Code 17300, which will raise the fee above \$1 million on a given project from .5 percent to .6 percent. The other changes include: Changes to the existing Building Code provisions from within Chapter 34 to Part 10; aligning regulations with DSA's procedures that will ensure a more efficient certification of school projects; improving the process to make it possible for more inspectors to qualify for the project inspector's examinations; clarified and simplified some of the testing and inspection requirements for laboratories and seismic rehabilitation.

Questions or Comments from the Commissioners:

Commissioner Klausbruckner asked for an explanation under 4-302, Scope, under Emergency Buildings, page 10, why there was a removal of the temporary certification that would allow a temporary building to be there only temporarily.

Mr. Hackett stated they were trying to eliminate duplication by simplifying and taking 4-302 and leaving that relative to how they interpret it from their structural provisions because Chapter 9 has the governing criteria for that.

Commissioner Klausbruckner wanted confirmation that there is a criteria for the fire and life safety that allows a set time for these temporary buildings.

Mr. Hackett confirmed that is correct. He added that there is still provisions for school districts to bring in buildings on an immediate basis and then within 60 days submit plans for those buildings.

Vice Chair Winkel wanted confirmation that the word "temporary" is stricken.

Mr. Hackett said the word "temporary" is stricken from this provision; however, "emergency" remains. He stated the issue is fire and life safety uses "temporary"; structural does not.

Secretary Batjer had a question regarding "relocatable."

Mr. Hackett stated they are defined as "emergency buildings," so these are installation of relocatable school buildings used or designed to be used for school purposes following disasters.

Commissioner Klausbruckner noticed the words under the same section, item four, "DSA certified project inspectors" were deleted and replaced with "observation and inspection of construction" and asked if Section 4-333 has more specific language as far as can inspect.

Mr. Hackett confirmed that is correct.

Commissioner Sasaki had a question regarding 4-309, "Reconstruction or Alteration Projects in Excess of \$25,000 in Costs," page 13, 14, regarding the long-time exemption for fire damage. He asked whether they considered putting that exemption into the Existing Buildings portion of the code to provide clarity to design professionals.

Mr. Hackett stated they had not considered repeating or making a pointer within the Existing Buildings code to this. He deferred to Mr. LaPlante who stated DSA's use of Existing Buildings, Chapter 34, is a little different than all the jurisdictions. Only the last few sections were adopted, and it is sort of a standalone section that covers all the issues related to schools. All the triggers that cause somebody to do work on an existing building will direct the user back to 4-309.

Commissioner Sasaki stated he understood that DSA only adopts certain sections of those particular code sections.

Secretary Batjer asked for clarification of a word change on page 6 of 59, Special Inspection, from "lumber" to "timber."

Mr. Hackett stated there is not a significant difference, only aesthetically with the alignment of the wording.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider Division of the State Architect - Structural Safety's request for adoption of their proposed regulation for Part 1, 2016 California Administrative Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Barthman. **The vote was unanimous to accept the motion.**

(Whereupon, a break was taken.)

b) Division of the State Architect – Structural Safety (DSA-SS 02/15) Proposed adoption of the 2015 edition of the International Building Code with amendments for incorporation into the 2016 California Building Code (California Code of Regulations, Title 24, Part 2). The Division of State Architect is requesting Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for DSA are Jim Hackett, Principal Structural Engineer, Codes and Standards Unit; Ron LaPlante, Supervising Structural Engineer; and James Gibbons, Construction Supervisor. Mr. LaPlante stated this is their triennial code cycle, and there have been a couple reference standards that have changed that have caused them to go through and make some amendments in response to those national reference standards, with input from public comments. The Code Advisory Committee approved the amendments with no public comments during the 45-day period. The standard 399 form was approved by DGS, the agency secretary, and Department of Finance. He stated there has been a lot of cleanup, including appealing a number of amendments that have now adopted within the national standards, and some editorial changes. Mr. Hackett added there is no fiscal impact to this package.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider Division of the State Architect - Structural Safety's request for adoption of their proposed regulation for Part 2, 2016 California Building Code. Commissioner Mikiten made a motion to approve, and it was seconded by Vice Chair Winkel. **The vote was unanimous to accept the motion.**

c) Division of the State Architect – Structural Safety (DSA-SS 03/15) Proposed adoption of the 2015 edition of the International Existing Building Code with amendments for incorporation into the 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10). The Division of State Architect Structural Safety is requesting Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for DSA are Jim Hackett, Principal Structural Engineer, Codes and Standards Unit; Ron LaPlante, Supervising Structural Engineer; and James Gibbons, Construction Supervisor. Mr. LaPlante stated Part 10 has grown a little bit as it's published currently in the 2013 California Existing Building Code because Chapter 34, which deals with existing buildings, was dropped by the IBC in favor of the International Existing Building Code, so they now have migrated all of the amendments for DSA from Chapter 34 and placed them into the IEBC. He stated the model code dealing with existing buildings has also been updated by merging two standards into one document; therefore, clarifying amendments have been added to the code that point the user to the correct location. A special task force was created to get their input and implemented the public comment process. The Code Advisory Committee approved as submitted, and there were no public comments during the 45-day period. The standard 399 form was approved by DGS, the agency secretary, and Department of Finance.

Questions or Comments from the Commissioners:

Vice Chair Winkel first commended the DSA's efforts. He also asked if DSA found any problematic differences that had to be remedied between Chapter 34 and Part 10, IEBC.

Mr. LaPlante stated the migration of the amendments were done in a way that would not change the scope and application for rehabilitating school buildings and the codes that affect existing schools. The amendments were put into what's called a parent chapter, Chapter 3, to allow for more flexibility in the future as methods adjust.

Questions or Comments from the Public:

Dennis Richardson, American Wood Council, thanked DSA staff for being open to public feedback and for including cross-laminated timber into the code.

Secretary Batjer appreciated the comment and will make sure the State Architect and DGS Director Kim is aware of his comment.

MOTION: Secretary Batjer entertained a motion to consider Division of the State Architect - Structural Safety's request for adoption of their proposed regulation for Part 10, 2016 California Existing Building Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Santillan. **The vote was unanimous to accept the motion.**

d) Division of the State Architect – Structural Safety (DSA-SS 04/15) Proposed adoption of amendments to the California Referenced Standards Code for incorporation into the 2016 California Referenced Standards Code (California Code of Regulations, Title 24, Part 12). The Division of State Architect Structural Safety is requesting Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for DSA are Jim Hackett, Principal Structural Engineer, Codes and Standards Unit; Ron LaPlante, Supervising Structural Engineer; and James Gibbons, Construction Supervisor. Mr. Hackett stated the DSA worked with industry representatives to verify appropriate standards and updates for recommendations to this code. The Code Advisory Committee made several recommendations that DSA evaluated and incorporated them into the language, and it was subsequently approved as submitted. No public comments during the 45-day period and no fiscal impact. The standard 399 from has been approved by DGS, the agency secretary, and Department of Finance.

Mr. Gibbons stated that DSA has basically done some house cleaning with the California Referenced Standards Code, Part 12. They repealed an existing Chapter 12, which was a duplicate for California standards for earthquake-actuated automatic gas shutoff valves. They amended Sections 12-16-1 and 12-16-2 to include the current most applicable reference standards to use for those valves and completed some minor editorial changes.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider Division of the State Architect - Structural Safety's request for adoption of their proposed regulation for Part 12, 2016 California Referenced Standards Code. Commissioner Roberts made a motion to approve, and it was seconded by Commissioner Barthman. **The vote was unanimous to accept the motion.**

5. CALIFORNIA BUILDING STANDARDS COMMISSION

a) California Building Standards Commission (BSC 01/15) Proposed adoption of amendments to the California Administrative Code for incorporation into the 2016 California Administrative Code (California Code of Regulations, Title 24, Part 1). The California Building Standards Commission staff is requesting Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for the Building Standards Commission are Cynthia Biedermann, Analyst, and Mia Marvelli, Associate Architect. Ms. Biedermann stated the proposed action is intended to update, clarify, and make minor corrections to the provisions of the chapter that governs activities of the Building Standards Commission, including updates and minor revisions to abbreviations and definitions, repeal the CBSC conflict of interest disclosure categories and makeup of commission staff due to the inclusion of DGS, Code Advisory Committee member clarifications, procedures for noncode proposing state agencies with expertise in green building to submit recommendations to proposing state agencies in accordance with H&S 18930.5 as a result of AB

341, and the addition of administrative procedures regarding requests for fees relative to building standards administration special revolving fund SB1473 or H&S 18931.6. These proposed amendments were reviewed and approved by the building, fire and other code advisory committees, and no public comments were made during the 45-day comment period.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Bob Raymer, Senior Engineer for the Building Industry Association, and speaking on behalf of the Business Properties Association and the Building Owners and Managers Association, stated they are very supportive of the Part 1 regs and the great job the various agencies have done over the last 18 months to get these fine-tuned proposals to BSC. He agreed this proposal provides clarity to the nonproposing agencies and provides certainty to BSC and HCD that they don't have to do the technical and economic background for these nonproposing agencies.

MOTION: Secretary Batjer entertained a motion to consider California Building Standards Commission's request for adoption of their proposed regulations for Part 1, 2016 California Administrative Code. Commissioner Klausbruckner made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

b) California Building Standards Commission (BSC 05/15) Proposed adoption of the 2015 edition of the International Building Code with amendments for incorporation into the 2016 California Building Code (California Code of Regulations, Title 24, Part 2). The California Building Standards Commission staff is requesting Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for the Building Standards Commission are Cynthia Biedermann, Analyst, and Mia Marvelli, Associate Architect. Ms. Marvelli stated changes include repealing the adoption of the IBC from 2012 and adopting the 2015 IBC, and they are carrying forward the majority of the existing amendments into the 2016 edition. In Chapter 1 there is an administrative and scoping provision change. It was mandated that agencies include pointers in the code that refer the user to the CALGreen provisions in Part 11, so that necessitated BSC to create another acronym, BSC-CG. Amendments to Chapter 34 are being repealed, which is where the existing building provisions reside, and those are being moved to Part 10. Other changes include editorial amendments of renumbering sections. The nonstructural provisions and structural amendments were approved, as submitted, by the Code Advisory Committee and the Structural Design Lateral Forces Code Advisory Committee, respectively. No public comments were received during the public comment period.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider California Building Standards Commission's request for adoption of their proposed regulations for Part 2, 2016 California Building Code. Commissioner Santillan made a motion to approve, and it was

seconded by Commissioner Klausbruckner. **The vote was unanimous to accept the motion.**

c) California Building Standards Commission (BSC 06/15) Proposed adoption of the 2015 edition of the International Existing Building Code with amendments for incorporation into the 2016 California Existing Building Code (CBSC) (California Code of Regulations, Title 24, Part 10). The California Building Standards Commission staff is requesting Building Standards Commission approve the proposed regulations for publication into Title 24.

The representatives for the Building Standards Commission are Cynthia Biedermann, Analyst, and Mia Marvelli, Associate Architect. Ms. Marvelli stated the Part 10 provisions are similar to DSA's presentation on Part 10. The changes include repealing our adoption of the Chapter 12 code; adopting specific provisions out of the 2015 International Existing Building Code, which will create the 2016 California Existing Building Code; the repealed amendments to Chapter 34 are being moved to the end of Chapter 3 in the CEBC. Those provisions were vetted with technical groups.

Ms. Marvelli thanked Ron LaPlante for all of his efforts and coordination between the DSA and CBSC. Secretary Batjer stated she will make his superiors aware of his endeavors.

Ms. Marvelli continued with other changes that include amending Chapter 1 and creating a Division 1, which clarifies the authority and reference for each state agency; including pointers to direct the code user to the California amendments within Sections 317 through 322, which were carried forward from Chapter 34; and adopting Appendix A-1 once again. The Code Advisory Committee reviewed these provisions and recommended some short-term further study, and they were rectified. No public comments were received.

Questions or Comments from the Commissioners:

Vice Chair Winkel questioned whether items 17, 18, 19, formerly Chapter 34 sections, are proposed not to be adopted in their rightful place in the IEBC because they ended up in 317 through 322 or are they simply not moved forward for adoption.

Ms. Marvelli stated they didn't adopt those sections, just amending the code references in there.

Vice Chair Winkel asked for clarification whether 3406 and 3407 moved to another place in Division 10.

Ms. Marvelli confirmed that they moved to 405 and 406, but the BSC did not have amendments to those.

Vice Chair Winkel was confused in that the language says the CBSC does not adopt 405 and 406 and asked for clarification.

Ms. Marvelli stated due to the way Chapter 4 is laid out, there are several sections that were adopted previously in Chapter 34 and not adopted, so the BSC wanted to be clear.

Vice Chair Winkel wanted confirmation that they were not omitted, but they are just in a different place.

Ms. Marvelli confirmed that is correct.

Commissioner Sasaki stated Chapter 34 will be going away and becoming Part 10; however, we have a Part 10, but it doesn't necessarily apply to what the current Chapter 34 applies to, so it could be confusing to practitioners on how to find things in the new CEBC. His question is whether the Commission is going to provide information to explain how to use the new Part 10.

Ms. Marvelli stated it is possible that an informational bulletin could be sent to the public to inform them of the change.

Michael Nearman with the Building Standards Commission stated there should be something added, and it wouldn't be a problem. He suggested, as in the past, a pointer could be included in the code to direct the user to the proper location. He agreed that an informational bulletin be put on the BSC website and mailed out to their mailing list.

Commissioner Sasaki stated that seemed appropriate.

Vice Chair Winkel agreed with that notion, with the clarification that this is not just the Building Standards Commission that should apply, but it should be a joint effort between all the agencies because each one of them is making changes to what ultimately will be Chapter 34 into Division 10.

Mr. Nearman asked whether he can work with Commissioner Sasaki to make sure the language meets expectations.

Commissioner Sasaki agreed.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider California Building Standards Commission's request for adoption of their proposed regulations for Part 10, 2016 California Existing Building Code. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Barthman. **The vote was unanimous to accept the motion.**

(Whereupon, a lunch recess was taken.)

6. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

a) Department of Housing and Community Development (HCD 03/15) Proposed adoption of the 2015 edition of the International Building Code with amendments for incorporation into the 2016 California Building Code (California Code of Regulations, Title 24, Part 2). The Department of Housing and Community Development staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for the Housing and Community Development are Kyle Krause, State

Housing Law Program Manager, Division of Codes and Standards, and Stoyan Bumbalov who also works in the State Housing Law Program. Krause stated Item 6C, which is Part 10, will be withdrawn today and be discussed in the January meeting.

Mr. Bumbalov stated the changes include clarifications to the existing amendments, editorial modifications, and repeal of unnecessary existing amendments. Section 1915, which is carbon monoxide allowance, this is the first time they adopted the model code section for carbon monoxide allowance with existing California amendments which were taken over currently in Section 420.6, and they are repealing this existing section. Other new amendments include Section 1203.3, unvented attics; and 1015.8, window openings, which require protection for Group R-1, hotels, and motels. Currently this section applies to R-2 and R-3 occupancies. The Code Advisory Committee approved as submitted.

Questions or Comments from the Commissioners:

Commissioner Klausbruckner asked whether on 915, page 39, the terms "carbon monoxide alarm systems, carbon monoxide detection systems, and combination of carbon monoxide and detection systems" are defined anywhere in this code or in the NFPA standard 720.

Ms. Klausbruckner then asked if there was any clarification on where in the room a carbon monoxide alarm combination with detection or carbon monoxide detector should be located at.

Mr. Krause confirmed the terms are defined within NFPA 720.

Mr. Bumbalov added the terms within NFPA 720 have the specific locations.

Commissioner Mikiten asked whether the word "exterior" had been intentionally omitted before the word "landing" on page 45 of 79, exception number 3. Elsewhere in the code it talks about "exterior landing," and he wondered whether it was an omission or it was implied.

Mr. Bumbalov stated the model code language was not modified.

Commissioner Mikiten wanted confirmation that the intention is that that's the exterior of the building.

Mr. Bumbalov agreed that was the intent.

Commission Mikiten suggested for clarity to the code user that the word "exterior" be included.

Mr. Krause stated this was something they would want to get input from their stakeholders on in future focus group meetings to determine if there is any misunderstanding with the model code language and the need to specify "exterior" landing.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider the Department of Housing and Community Development's request for adoption of their proposed regulations for Part 2, 2016 California Building Code. Commissioner Santillan made a motion to approve, and it was seconded by Vice Chair Winkel. **The vote was unanimous to accept the motion.**

b) Department of Housing and Community Development (HCD 02/15) Proposed adoption of the 2015 edition of the International Residential Code with amendments for incorporation into the 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5). The Department of Housing and Community Development staff is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for the Housing and Community Development are Kyle Krause, State Housing Law Program Manager, Division of Codes and Standards, and Stoyan Bumbalov who also works in the State Housing Law Program. Mr. Krause stated this is a very straight-forward package, very simple in nature. They conducted their first focus group meeting in February, and the Code Advisory Committee approved the items as submitted after suggestions were incorporated. No comments were received during the 45-day comment period. They are bringing forward the existing 2013 California Residential Code into the 2016 California Residential Code incorporating the 2015 International Residential Code by reference. Other changes include editorial corrections in Chapter 1, Division 1. There was an amendment to Section 1.1.7.3.1 to clarify that detached one- and two-family dwellings may be designed and constructed to either the CRC or the CBC, but not both, unless specifically directed to by the sections of the Residential Code. They are also proposing to adopt new model code language for carbon monoxide alarms in Chapter 3.

Questions or Comments from the Commissioners:

Vice Chair Winkel asked a question on Item 4, page 18 of 63, and wondered why there was a major deletion or non-adoption of definitions relating to mechanical, plumbing, electrical, and accessibility.

Mr. Krause confirmed they do not adopt those specific provisions, so those terms have been excluded.

Commissioner Klausbruckner suggested a change on page 5 of 63, Section 1.1.7.3.1, the word "subsection" be changed to "exception."

Commissioner Klausbruckner also asked a question why on page 39 of 63, under R315.3, there is no reference to NFPA or the location of carbon monoxide and no clarification whether it should be installed at or near the floor level or at the ceiling or in accordance with the manufacturer's recommendations.

Mr. Krause stated in this specific section the manufacturer's installation instructions are identified to provide specific detail about the location.

Commissioner Klausbruckner asked whether NFPA 720 in the other sections have any specifics as to where it should be installed.

Mr. Bumbalov stated the specificity of a specific location, like a hallway, is provided here, and the manufacturer's specifications will outline which type of carbon monoxide device should be installed where in a room.

Mr. Krause stated in R315.4 they bring forth an existing amendment that says carbon monoxide alarms shall comply with the entire R315 section and all the requirements for listing and

approval by the Office of the State Fire Marshal.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider the Department of Housing and Community Development's request for adoption of their proposed regulations for Part 2.5, 2016 California Residential Code. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Sasaki. **The vote was unanimous to accept the motion.**

c) Department of Housing and Community Development (HCD 04/15) Proposed adoption of the 2015 edition of the International Existing Building Code with amendments for incorporation into the 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10). **This agenda item has been withdrawn for editorial issues to be rescheduled for the January meeting.**

7. OFFICE OF THE STATE FIRE MARSHAL

a) Office of the State Fire Marshal (SFM 06/15) Proposed adoption of the 2015 edition of the International Building Code with amendments for incorporation into the 2016 California Building Code (California Code of Regulations, Title 24, Part 2). The Office of the State Fire Marshal is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for the Office of the State Fire Marshal are Andrew Henning, Deputy State Fire Marshal III - Specialist, also with the Code Analysis Division, and Greg Andersen, Division Chief of the Code Development Analysis. Mr. Henning stated the modifications were limited to correlating the new 2015 model code and the State Fire Marshal regulations and additional revisions for clarity. There were mainly maintenance and cleanup items. In Chapter 7A they adopted ASTM E2886 and ASTM E2957, which were new standards that were finalized by ASTM for vents. By adopting these two standards, manufacturers have the option to list it to the ASTM standards and also use it in other states outside of California. OSFM is co-adopting Section 915 regarding carbon monoxide alarms with HCD, who was the lead agency on that. Another change included updating outdated sections in Chapter 4 regarding their fixed guideway transit systems, so anything that was covered in NFPA 130 was repealed out of Chapter 4. OSFM also brought forward some provisions on behalf of the California Department of Corrections, the Board of State and Community Corrections, the Judicial Council, as well as the Office of Statewide Health and Planning. This is for separation requirements of I-2s, I-2.1s, and I-3 occupancies. These changes do not reduce the level of safety in those occupancies. OSFM also worked with OSHPD to update and clarify language in several sections relating to health care facilities. Another change included adopting a lot of the 2016 editions of the NFPA standards.

Questions or Comments from the Commissioners:

Vice Chair Winkel asked for clarification that since the new provision in 510, basic podium buildings, is not mentioned in their submittal, that OSFM is adopting unamended those sections not referenced.

Mr. Henning stated that is correct. Chapter 5 is adopted as amended, so if the section was not specifically amended, the model code language will be adopted.

Vice Chair Winkel wanted confirmation that with the modifications made the results in a 2016 building will be the same as in 2013 whether in California or Nevada.

Mr. Henning confirmed that it would be the same.

Commissioner Klausbruckner disclosed she had a side conversation for clarification relating to page 10 of 244, the Footnote E on L occupancies regarding hazardous materials. She stated there was a previous editorial error where they were allowed to double for cabinets. She stated her vote would be to pull that section out and vote against it.

Secretary Batjer wanted confirmation to remove the entire paragraph regarding item E on page 10 of 244.

Commissioner Klausbruckner confirmed that was what she was referring to.

Mr. Henning stated that the text was added erroneously by the publisher working on the 2013 codes. The statement amendment to footnote E never went through an OSFM regulations package and it never went before the Building Standards Commission. He stated that they are deleting this text to revert it back to the way the original rulemaking package had it worded. The strikeout is showing it never went through a ruling.

Mr. Nearman stated if the desire is to not allow this to move forward, the entire section be deleted that relates to Table 307.1. The other editorial change would be the removal of the pending language from international to California.

Vice Chair Winkel asked what the wording was on the last correct version in 2010.

Mr. Henning stated Footnote E did not have "other than Group L occupancies."

Vice Chair Winkel wanted confirmation that it was general and it started with how it is worded currently, "maximum allowable."

Mr. Henning stated it was unamended other than changing "international" to "California." It is what the 2010 code shows and what the rulemaking package showed for the 2012 triennial.

Vice Chair Winkel asked whether the 2010 was generally applicable, including Ls.

Mr. Henning confirmed that is correct.

Vice Chair Winkel asked what the 2013 version tells a practitioner to do.

Mr. Henning stated 2013 shows the language "other than Group L."

Vice Chair Winkel asked whether the strikeout would return the new language to match the last properly adopted language, which is 2010.

Secretary Batjer clarified except for changing "international" to "California."

Vice Chair Winkel stated if the 2010 code was correct and 2013 was incorrect due to a publication error, leaving Footnote E in would take it back to 2010 and sees no reason to take the section out and wants to vote on it.

Commissioner Klausbruckner disagreed and does not want to vote on it.

Vice Chair Winkel suggested a vote on item E separately.

Secretary Batjer suggested voting on the package, and those who do not agree with any part of the package can vote no.

Mr. Nearman stated if this issue had been brought forward earlier by OSFM, there would have been time to go to the publisher to do an errata to remove the inappropriate language.

Commissioner Klausbruckner suggested forming a working group and having a discussion.

Secretary Batjer asked whether the OSFM raised this concern during the 45-day comment period.

Mr. Henning stated that OSFM did not. No public comments were received. He agreed regarding forming a working group, maybe consisting of 5 to 10 people that represents both industry and builders who want to use an L occupancy as a construction. He also stated OSFM is starting six groups to evaluate supplement for the 2016 code.

Commissioner Sasaki wanted confirmation that OSFM would go back and evaluate whether or not allowing L Group occupancies would increase storage.

Mr. Henning clarified it would actually decrease the occupancies.

Commissioner Klausbruckner asked why on page 13, Section 444, the entire section is deleted, but the title remains.

Mr. Henning clarified Section 444 used to be Section 434. OSFM will be adopting Chapter 56, and in the 2016 codes the user will be referred to Chapter 56 of the Fire Code.

Commissioner Klausbruckner asked for confirmation whether the text that is in brackets and underlined will remain as text and that the entire section of 444 will be one bracket with one sentence in it.

Mr. Henning confirmed that is correct.

Commissioner Klausbruckner clarified that usually with the BSC, brackets refer to a note to the Commission.

Mr. Henning stated he understood the confusion.

Secretary Batjer pointed out a minor grammatical issue "Section 444 have been" should read "Section 444 has been."

Commissioner Klausbruckner had a question in Part 2 regarding a reference to fire barrier versus smoke barrier and was wondering whether that was an ICC change or if it was accidentally put in Part 2.

Mr. Nearman asked if Commissioner Klausbruckner was referring to the allowable number of stories in occupancies.

Commissioner Klausbruckner clarified her question relates to information found on page 87 under "Corridor Wall Construction" and wanted to know if "smoke fire partition" was changed to "fire partition" due to a change in terminology.

Mr. Henning stated 407.3 is an existing amendment being carried forward. In previous model editions, we are crossing out the model code language of "smoke" and going with "fire."

Commissioner Klausbruckner asked whether it was just an editorial change.

Vice Chair Winkel clarified it's the modification where the Fire Marshal inserts one-hour corridors which are not required in the IBC. It's a California amendment to catch up with some of the other provisions that are changed in Chapter 7.

Commissioner Klausbruckner understood it was basically to move forward what was in the 2013.

Vice Chair Winkel confirmed it was in 2010 and 2013.

Questions or Comments from the Public:

Dennis Richardson, American Wood Council, wanted to thank the State Fire Marshal's office for addressing his concerns on issues regarding Table 503. The specific area relates to prior code language in Section 506.5.2, which has now been cleaned up. Some of his other concerns relate to language carried forward from the 1997 UBC. He is hopeful that one of the working groups will evaluate the heightened area and also some amendments in the egress provisions.

MOTION: Secretary Batjer entertained a motion to consider the Office of the State Fire Marshal's request for adoption of their proposed regulations for Part 2, 2016 California Building Code. Commissioner Klausbruckner made a motion to approve, and it was seconded by Commissioner Roberts.

Vice Chair Winkel stated he will vote against this motion and felt that the State Fire Marshal has repeatedly submitted the changes in the state code to the national model code, and they have not been successful; however, he does commend the Fire Marshal's Office for wading through the level of changes that happened between the 2013 and the 2015 codes, particularly in Chapter 5. He urged the rest of the commission to vote in favor. **The vote was 7-1 to accept the motion.**

(Whereupon, a break was taken.)

b) Office of the State Fire Marshal (SFM 01/15) Proposed adoption of the 2015 edition of the International Residential Code with amendments for incorporation into the 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5). The Office of the State Fire Marshal is requesting the Building Standards Commission approve the proposed regulation for

publication into Title 24.

The representatives for the Office of the State Fire Marshal are Andrew Henning, Deputy State Fire Marshal III - Specialist, also with the Code Analysis Division, and Greg Andersen, Division Chief of the Code Development Analysis. Mr. Henning stated there were minor cleanup changes to the Residential Code and updating it to match the new model code language. The changes were primarily to Chapter 3 and included clarifying text, adding references to Title 19, updating definitions to match statute, and correlating language between the CBC and the California Fire code. OSFM is also correlating Section R337 with the California Building Code, Chapter 7A. Other changes include repealing some California state amendments that now match the model code language, including an addendum to the final express terms, and repealing up some text that was erroneously put into NFPA 13 and NFPA 13R and refer the user back to fire and building code.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider the Office of the State Fire Marshal's request for adoption of their proposed regulations for Part 2.5, 2016 California Residential Code. Vice Chair Winkel made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

c) Office of the State Fire Marshal (SFM 07/15) Proposed adoption of the 2015 edition of the International Fire Code with amendments for incorporation into the 2016 California Fire Code (California Code of Regulations, Title 24, Part 9). The Office of the State Fire Marshal is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for the Office of the State Fire Marshal are Andrew Henning, Deputy State Fire Marshal III - Specialist, also with the Code Analysis Division, and Greg Andersen, Division Chief of the Code Development Analysis. Mr. Henning stated their modifications are limited due to correlations to the new 2015 model codes. Many of the changes are for clarification and correlating the code with the Building Code. The one major change is the revisions to Chapter 56 on fireworks. A working group evaluated Chapter 56 of the International Fire Code and Title 19 and did an analysis between them. Since California started adopting the IFC, the OSFM never adopted and repealed all the text within Chapter 56. The working group made changes to include correcting the inconsistencies in design and enforcement of buildings and other regulations and removed the inconsistencies between Title 19 and NFPA reference standards and federal regulations. It will provide the additional needed requirements to adequately address the design and construction of buildings for possession, manufacture, storage, handling, sale and use of explosive, explosive materials, and small arms ammunition. A lot of the Title 19 provisions within the code section were reprinted for ease of the user.

Questions or Comments from the Commissioners:

Commissioner Klausbruckner stated her same concern with the inclusion of "other than L occupancy." She then asked whether the reference on page 77, fire flow to schools, is a new item

or being carried forward, as far as "the reduction shall not be less than 1500 gpm."

Mr. Henning stated that is a new section.

Commissioner Klausbruckner asked whether there was any concern brought to the OSFM regarding rural areas being able to meet this.

Mr. Andersen stated in the text of the code that is minimum flow regulation that is already there.

Commissioner Klausbruckner wanted clarification that it was being consistent with all the other occupancies and just an editorial change.

Mr. Andersen agreed.

Commissioner Klausbruckner suggested an editorial change on page 56, B-1, change the wording from "the insurer will not cancel the insured's coverage without 15-day prior written notice to the State Fire Marshal" to the "owner" will have that in writing.

Mr. Henning stated that is a reprint from Title 19, so they will review that if a Title 19 update is done.

Questions or Comments from the Public:

Gale Bate, owner/operator Code Resource, a code consultant that is involved with both Building and Fire Codes. He stated he was part of the original group that wrote the Group L language and, because of the vast amount of changes over time, asked the Commission to encourage the OSFM to evaluate the entire document in its totality.

MOTION: Secretary Batjer entertained a motion to consider the Office of the State Fire Marshal's request for adoption of their proposed regulations for Part 9, 2016 California Fire Code. Commissioner Klausbruckner made a motion to approve, and it was seconded by Commissioner Roberts. **The vote was unanimous to accept the motion.**

d) Office of the State Fire Marshal (SFM 05/15) Proposed adoption of the 2015 edition of the International Existing Building Code with amendments for incorporation into the 4 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10). The Office of the State Fire Marshal is requesting the Building Standards Commission approve the proposed regulation for publication into Title 24.

The representatives for the Office of the State Fire Marshal are Andrew Henning, Deputy State Fire Marshal III - Specialist, also with the Code Analysis Division, and Greg Andersen, Division Chief of the Code Development Analysis. Mr. Henning stated the OSFM evaluated their existing state amendments and what sections were specifically adopted within Chapter 34 of the 2013 California Building Code and relocated those to Part 10 of the California Existing Building Code.

Questions or Comments from the Commissioners:

Vice Chair Winkel wanted confirmation that it was just a relocation of existing materials from Chapter 34 into the Part 10 format.

Mr. Henning confirmed that is correct.

Commissioner Klausbruckner prefaced her statement by saying this is not an OSFM's issue. She referenced page 4 of 25 relating to some confusing terminology, and suggested the Building Standards Commission put an explanation or clarification in the future on this issue.

Ms. Marvelli with the Building Standards Commission stated they will look into it.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider the Office of the State Fire Marshal's request for adoption of their proposed regulations for Part 10, 2016 California Existing Building Code. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Santillan. **The vote was unanimous to accept the motion.**

(Whereupon, a brief recess was taken.)

**8. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT –
(OSHDP EF 02/15) PART 5:**

The proposed emergency standard adoption and approval pertains to the alignment of Title 24, fixture water use requirements, with the recent California Energy Commission's amendments to the water appliance efficiency requirements in Title 20, California Code of Regulations. The proposal affects building standards located in the 2013 California Plumbing Code, Part 5, Title 24. The Commission will take action on 8a to first consider the finding of emergency to determine whether the finding is acceptable. The Commission must either approve or disapprove the state agency finding of emergency. If the finding of emergency is approved, the Commission will then consider the proposed emergency regulatory changes in 8b and take action to approve, disapprove, return for further study, or approve as amended the proposed code change. If the finding of emergency is disapproved, the Commission will take no further action.

a) OSHPD EF 02/15 (Part 5) Action for finding of Emergency

The representative for the Office of Statewide Health Planning and Development is Glenn Gall, Regional Supervisor, Building Standards Unit. Mr. Gall stated there was some difficulty getting signatures on the documentation for presentation at the last meeting; however, he is bringing it forward today and asking for a finding of emergency on this standard which syncs up their model code for low-flow fixtures with the new Article 20, California Energy Commission standards for low-flow fixtures.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

No questions or comments from the public.

MOTION: Secretary Batjer entertained a motion to consider the Office of Statewide Health Planning and Development's finding of emergency. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten. **The vote was unanimous to accept the motion.**

b) OSHPD EF 02/15 (Part 5) Action for the Adoption of the Proposed Regulations

The representative for the Office of Statewide Health Planning and Development is Glenn Gall, Regional Supervisor, Building Standards Unit. Mr. Gall stated the proposed change is a pointer to the place in Article 20 that limits the sale of low-flow products for installation in California construction projects.

Questions or Comments from the Commissioners:

No questions or comments from the Commissioners.

Questions or Comments from the Public:

Gale Bate, owner/operator Code Resource, Building and Fire Code consultant throughout California, the U.S., and other countries. He stated OSHPD has put together an excellent package in this adoption cycle and worked hard to satisfy everyone's concerns. He also expressed his concern that there was a decision long ago that all the OSHPD requirements would be located within Chapter 12, Interior Environments, of the Building Code, which is an inconsistent decision from the model code; that normally when you have an occupancy group that has special regulations; those would go into Chapter 4. However, now there is also a provision in the model code in Chapter 4 for ambulatory care facilities, and it is confusing to some of the practitioners. The confusion comes when there is an ambulatory facility that is also an OSHPD 3 facility. He questioned whether it was possible to put a pointer in 422 to make it easier for the user to find these provisions for OSHPD 3.

Mr. Bate also stated there is a great deal of hospital buildings occurring in California and that many of the hospital design firms for small hospital projects are getting confused with the code requirements and code definitions. He stated OSHPD has done a great job taking guidelines and putting them into code enforcement language; however, the guidelines do not appear anywhere in the code book. He suggested putting something in the definition area that gives some reference to where this definition came from and maybe referencing documents in Chapter 35.

Mr. Gall stated OSHPD has given some consideration to some of the issues Mr. Bate has brought up. He didn't think a pointer in 422 would have a big enough impact. He confirmed that he does provide training to local jurisdictions as well as architects and engineers who deal with the OSHPD provisions to better enlighten people. He discussed Chapter 12 provisions involving licensing and a misfit for the Building Code. Other states have licensing and building codes under separate jurisdictions. Also in response to Mr. Bate's comment regarding 422, ambulatory care facilities, versus B occupancy clinics, Mr. Gall stated there is a statement at the beginning of 1226 that make it clear that those requirements in 1226 were independent of building occupancy.

Secretary Batjer suggested looking into both the pointer and the training.

MOTION: With the finding of emergency approved, Secretary Batjer entertained a

motion for the action of the Office of Statewide Health Planning and Development's proposed changes to the subject building standards. Commissioner Mikiten made a motion to approve, and it was seconded by Commissioner Sasaki. **The vote was unanimous to accept the motion.**

9. FUTURE AGENDA ITEMS:

No comments from the Commission or the public.

10. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA:

No comments from the Commission or the public.

11. ADJOURNED

Vice Chair Winkel moved and Commissioner Barthman seconded to adjourn the meeting, and it was passed unanimously.